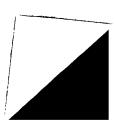


United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO	D. 1	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,915 01/08/2002		01/08/2002	Jianglei Ma	71493-1044/jlo	1308
7380	7590	04/07/2006		EXAMINER	
SMART & BIGGAR				MATTIS, JASON E	
	2999, STA ETCALFE		ART UNIT	PAPER NUMBER	
OTTAWA, ON K1P5Y6 CANADA				2616	
				DATE MAILED: 04/07/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.



		;	. 1
	Application No.	Applicant(s)	-
	10/038,915	MA ET AL.	
Office Action Summary	Examiner	Art Unit	
	Jason E. Mattis	2616	
The MAILING DATE of this communication a Period for Reply	appears on the cover sheet w	rith the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REF WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory perions are reply within the set or extended period for reply will, by state that the provision of th	DATE OF THIS COMMUN 1.136(a). In no event, however, may a od will apply and will expire SIX (6) MO tute, cause the application to become A	CATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).	
Status	•		
1) Responsive to communication(s) filed on		-	•
·	his action is non-final.		
3) Since this application is in condition for allow closed in accordance with the practice unde			
Disposition of Claims			
4) ☐ Claim(s) 1-56 is/are pending in the application 4a) Of the above claim(s) is/are withd 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-56 are subject to restriction and/or	rawn from consideration.		
Application Papers			
9)☐ The specification is objected to by the Exami		•	
10)☐ The drawing(s) filed on is/are: a)☐ a			
Applicant may not request that any objection to the			
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the	·		
Priority under 35 U.S.C. § 119		(
12)☐ Acknowledgment is made of a claim for forei	gn priority under 35 U.S.C.	§ 119(a)-(d) or (f).	
 a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority docume 2. ☐ Certified copies of the priority docume 		Application No	
3. Copies of the certified copies of the property application from the International Bure	riority documents have beer		_
* See the attached detailed Office action for a li	ist of the certified copies no	received.	
		•	
Attachment(s)		•	
1) Notice of References Cited (PTO-892)		Summary (PTO-413) s)/Mail Date	
Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0		Informal Patent Application (PTO-152)	

U.S. Patent and Trademark Office PTOL-326 (Rev. 7-05) Application/Control Number: 10/038,915

Art Unit: 2616

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-23, drawn to transmitting and receiving OFDM header symbols, classified in class 370, subclass 328.
 - II. Claims 24-31, drawn to transmitting and receiving a superframe, classified in class 370, subclass 389.
 - III. Claims 32-51, drawn to a synchronization method, classified in class 370, subclass 503.
 - IV. Claims 52-56, drawn to a cell selection method, classified in class 370, subclass 437.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I, II, III, and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. See MPEP § 806.05(d).
- 3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Application/Control Number: 10/038,915

Art Unit: 2616

- 4. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.
- 5. A telephone call was made on 3/20/06 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

Page 4

Application/Control Number: 10/038,915

Art Unit: 2616

a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

remaining in the application. Any amendment of inventorship must be accompanied by

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason E. Mattis whose telephone number is (571) 272-

3154. The examiner can normally be reached on M-F 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

jem